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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,818	11/13/2003	Takehiro Nakayama	245395US90	7869

22850 7590 02/08/2006

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EXAMINER

HUYNH, CHUCK

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/705,818

Applicant(s)

NAKAYAMA ET AL.

Examiner

Chuck Huynh

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 11/23/2005 have been fully considered but they are not persuasive.

Regarding claim 1, Applicant asserted that Craft does not disclose all the limitations of claim 1, particularly the limitations of:

“acquiring means for acquiring a value entity accompanied by a public key corresponding to a private key,”

“transferring means for transferring the value entity through [[the]] use of the application when the verifying means successfully verifies the application.”

Examiner respectfully disagrees. Due to the broadness of the claim, there is no clear definition to what Applicant is claiming as a “value entity.” Therefore, examiner interpreted a “value entity” to be a content that was paid for by the user (giving the entity a certain value to the user) in downloading the entity from the server (as disclosed by Craft Page 1, [0013]). It is disclosed that client device acquires a public key from the server, along with the content data or “value entity” (Page 5, [0056]), and the scenario is set up in an ad-hoc network (Page 3, [0026]).

Furthermore, due to the vagueness of the claim language, the transferring functionality is not specific to where the entity is transferred and how it is transferred

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and for what purpose. Therefore, Examiner has interpreted according to Craft, that the entity downloaded is a movie or song (Page 1, [0010]), and that the application (movie player or audio player used to execute data content entity [0010-0011]) downloaded is used to play the movie or song (...downloading and playing movies Page 1, [0010]), according to the disclosure of downloading application codes and content data (Page 2, [0013]). In this case the transferring of the entity from memory (after downloaded to user device's memory Page 3, [0028], Page 2 [0022]) to the application for usage and execution of content data (Fig. 6, no. 614) (such as playing the movie or song using the application) reads on the transferring of the value entity through use of application when the verifying means successfully verifies the application (the application is verified before execution Page 6, [0060]).

Claims 1-13 are similarly argued by applicant, and therefore remained unallowable in light of the addressed arguments. Due to the broad nature of claim language, claims 1-13 are still not in condition for allowance and are rejected as shown below.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 9, 12, 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Craft et al. (hereinafter Craft).

Regarding claim 1, Craft discloses a communication terminal comprising:

acquiring means for acquiring a value entity accompanied by a public key corresponding to a private key (Page 2, [0015]; Page 4, [0035]);

receiving means for receiving an application electronically signed by the private key, through an ad hoc (Page 3, [0026]) network;

verifying means for verifying the application through use of the public key (Fig. 2, no. 220; Page 2, [0015]; Page 4, [0035]); and

transferring means for transferring value entity through the use of the application when the verifying means successfully verifies the application (Page 5, [0049 – 0051]).

Regarding claim 2, Craft discloses the communication terminal according to Claim 1, wherein the verifying means initiates verification of the application in conjunction with an opportunity where the receiving means receives the application (Page 5, [0055]), and

the communication terminal further comprises starting means for starting the application in conjunction with an opportunity where the verifying means successfully verifies the application (Page 5, [0056]).

Regarding claim 9, Craft discloses an application delivery server comprising:  
application transmitting means for transmitting the application through the ad hoc network to the communication terminal as set forth in Claim 1 (Page 2, [0022], [0024]);  
and

value entity acquiring means for acquiring the value entity transferred by the transferring means of the communication terminal, through the ad hoc network (Page 3, [0025], [0026]).

Regarding claim 12, Craft discloses an electronic procurement supporting method comprising:

a value entity accompanied by a public key corresponding to a specific private key (Page 5, [0056]);

receiving an application electronically signed by the private key (Page 5, [0056]),  
through an ad hoc network (Page 3, [0026]);

verifying the application through the use of the public key (Page 5, [0056]); and  
transferring the value entity through use of the application when application is  
successfully verified (Page 4, [0046]).

Regarding claim 13, Craft discloses an electronic procurement supporting  
program, which can be executed by a communication terminal, the electronic  
procurement supporting program performing steps comprising:

acquiring a value entity accompanied by a public key corresponding to a specific  
private key (Page 5, [0056]);

a receiving function of receiving an application electronically signed by the  
private key (Page 5, [0056]), through an ad hoc network (Page 3, [0026]);

verifying the application through the use of the public key (Page 5, [0056]); and  
transferring the value entity through the use of the application when the  
application is successfully verified by the verifying function (page 4, [0046]).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craft in view of Anderson et al. (hereinafter Anderson).

Regarding claim 3, Craft discloses all the particulars of the claim except the communication terminal according to claim 1, further comprising:

deleting means for deleting the application in conjunction with an opportunity where a predetermined time has elapsed since a time when the receiving means received the application.

However, Anderson does disclose deleting means for deleting the application in conjunction with an opportunity where a predetermined time has elapsed since a time when the receiving means received the application (Page 17, [0435, 0436]).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Anderson's disclosure to provide certain time limit to application usage.

Regarding claim 4, it is well known in the art that the communication terminal according to claim 1, that once an application is downloaded from a sender, the process is completed, which entails the disconnection from the downlink connection; therefore it is well known in the art that deleting means for, where a communication with a sender of the application is disconnected after the reception of the application by the receiving means; however, Craft discloses all the particulars of the claim except the fact that deleting the application in conjunction with an opportunity where predetermined time



has elapsed since the disconnection of the communication, which pertains to a trial period since the application was downloaded.

Anderson does disclose deleting the application in conjunction with an opportunity where predetermined time has elapsed since the disconnection of the communication, which pertains to a trial period since the application was downloaded (Page 17, [0435, 0436]).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Anderson's disclosure to provide certain time limit to application usage.

5. Claim 5, 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craft in view of Fishman et al. (hereinafter Fishman).

Regarding claim 5, Craft discloses a all the particulars of the claim such as a value entity providing server comprising providing means for providing a value entity accompanied by a public key corresponding to a specific private key (Page 2, [0015]); but does not disclose the limitation of communicating through a cellular network, for the communication terminal as set forth in claim 1.

However, Fishman does disclose implementing a cellular network comprising of an ad hoc network using public and private keys for secure communication (Abstract; Page 1, [0007]; Page 6, [0065]).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Fishman's disclosure to implement secure cellular communication within an ad-hoc network.

Regarding claim 7, Craft discloses the value entity providing server according to Claim 5, wherein the public key is posted on a server accessible from a plurality of terminals through the cellular network (Page 4, [0043]).

Regarding claim 8, Craft discloses the value entity providing server according to Claim 5, further comprising second verifying means for verifying integrity of the communication terminal before the providing means provides the value entity (Page 5, [0048]).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Craft in view of Fishman in further view of Dwork.

Regarding claim 6, Craft in view of Fishman discloses all the particulars of the claim except that the value entity providing server according to Claim 5, wherein the providing means transmits the public key separately from the value entity to the communication terminal, prior to the provision of the value entity.

However, Dwork does disclose the value entity providing server according to Claim 5, wherein the providing means transmits the public key separately from the value

entity to the communication terminal, prior to the provision of the value entity (Col 5, lines 40-50; Col 6, lines 15-19).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Dwork's disclosure to provide more security to the system, to prevent fraudulent eavesdroppers.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Craft in view of White et al. (hereinafter White).

Regarding claim 10, Craft discloses all the particulars of the system except the application delivery means server according to claim 9, further comprising:

receipt transmitting means for, when the value entity acquiring means acquires the value entity, transmitting receipt data electronically expressing receipt of the value entity, via the ad-hoc network to the communication terminal.

However, White does disclose receipt transmitting means for, when the value entity acquiring means acquires the value entity, transmitting receipt data electronically expressing receipt of the value entity, via the ad-hoc network to the communication terminal (Page 2, [0016]; Page 7, claim 35).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate White's disclosure to send a receipt message for the data received to verify its transmission.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Craft in view of Menard.

Regarding claim 11, Craft discloses all the particulars of the claim except the application delivery server according to Claim 9, further comprising third verifying means for verifying integrity of the communication terminal before the transmitting means transmits the application.

However, Menard does disclose a third verifying means for verifying integrity of the communication terminal before the transmitting means transmits the application (Page 7, [0112] – Page 8, [0118]).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Menard's disclosure to provide a third security embodiment to secure communication between terminals.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miyatsu, Kazuhiro discloses a Mobile internet solution using java application combined with local wireless interface

Ward, Jean Renard discloses a System and method for ad hoc management of credentials, trust relationships and trust history in computing environments

Kamada, Tomihisa discloses a Usage period management system for applications

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Huynh whose telephone number is 571-272-7866. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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